

DISPOSITION: 2-19-62. Consent—claimed by Graham Co., New York, N.Y. Segregated; 571 lbs. denatured.

29183. Shelled walnuts and shelled filberts. (F.D.C. No. 48754. S. Nos. 27-197/8 V.)

QUANTITY: 40 35-lb. cases of walnut and filbert meats, and 145 30-lb. cases of walnut meats, at Des Moines, Iowa.

SHIPPED: 3-2-63, from Dundee, Oreg., by Compton Nut Co.

LABEL IN PART: "Walnut-Filbert Meats Compton Nut Company, P.O. Box 1, Dundee, Oregon," "Nuggets L. Oregon Walnut Meats Packed by Shriver Nut Co., Dundee, Oregon."

LIBELED: 4-25-63, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 5-8-63. Consent—claimed by Peanut Products Co., and Compton Nut Co., and reconditioned.

OLEOMARGARINE

29184. Oleomargarine. (F.D.C. No. 45283. S. No. 14-523 R.)

QUANTITY: 69 cases, each containing 30 1-lb. pkgs. of 4 individually wrapped $\frac{1}{4}$ -lb. sticks, at Nashville, Tenn.

SHIPPED: 11-2-60, from Hammond, Ind., by Lever Bros.

LABEL IN PART: (1-lb. pkg.) "Summer Country * * * Margarine * * * Contains * * * Vitamin A, * * * Vitamin D * * * Plus protein, calcium, riboflavin, and phosphorous * * * Lever Bros., New York, N.Y."

LIBELED: 12-8-60, M. Dist. Tenn.

CHARGE: 403(a)—when shipped, the label statement "High-Nutrition" in the setting which had been created by the advertising for the article, represented and suggested that the article was significantly higher in nutrition than margarine and similar spreads available, which representations and suggestions were false and misleading since they were contrary to fact; the label contained statements referring to a "high-priced spread" which suggested and implied that the article contained significantly greater nutrient content than butter, which statements were false and misleading, since the article did not contain a significantly greater nutrient content than butter; the label bore statements which represented and suggested that the article contained significant amounts of ascorbic acid, niacin, riboflavin, thiamin, phosphorous, calcium and protein for special dietary use; which statements were false and misleading, since the article did not contain significant amounts of such nutrients for special dietary use; and the label statements "made especially for growing children" and "you get the good things growing children need everyday" represented and suggested that the article was of especial value in the promotion of growth of children, and that the article contained significant amounts of all nutrients needed by growing children to maintain good health, which representations and suggestions were false and misleading since they were contrary to fact.

DISPOSITION: On 1-3-61, the article was claimed by Lever Bros. Co., and on 3-8-61, the claimant filed an answer denying that the article was misbranded. On or about 12-11-62, the Government served written interrogatories on the claimant. On or about 2-26-63, the claimant filed objections to the written

interrogatories. On 3-26-63, a decree of condemnation was entered in which the claimant represented to the court that Summer Country Margarine, the product proceeded against, was not then being manufactured by the claimant, that the claimant denied the product in any respect violated the law, that the claimant believed no useful purpose would be served by further contesting the charges of the libel, and that without admitting any of the issues of fact or law the claimant consented to the decree of condemnation and to the delivery of the article to a charitable institution. On 4-18-63, an amended order was filed which ordered the article destroyed since it was no longer fit for human consumption due to the long period of time it had been stored.

SPICES, FLAVORS, AND SEASONING MATERIALS

29185. Celery seed. (F.D.C. No. 49392. S. No. 45-770 X.)

QUANTITY: 5 128-lb. bags at St. Louis, Mo., in possession of Star Coffee Co.

SHIPPED: 5-23-63, from Brooklyn, N.Y.

LIBELED: 10-11-63, E. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: On or about 10-15-63, Star Coffee Co. claimed the article, denied that the article was adulterated, prayed the court for leave to destroy the article, and further prayed that upon such destruction the action be dismissed. On 11-6-63, in accordance with the claimant's prayer and on motion of the parties, the court ordered that the claimant destroy the article and that upon such destruction the action be dismissed. On 12-20-63, the article having been destroyed, the libel was dismissed.

29186. Mustard seed. (F.D.C. No. 49064. S. No. 67-859 V.)

QUANTITY: 116 100-lb. bags, at Cayce, S.C., in possession of Wood Bros., Inc.

SHIPPED: 10-20-62, from Devils Lake, N. Dak.

LIBELED: 6-10-63, E. Dist. S.C.

CHARGE: 402(a)(3)—contained rodent nests and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-26-63. Default—destruction.

29187. Sesame seed. (F.D.C. No. 49393. S. No. 2-133 X.)

QUANTITY: 17 drums, at Tampa, Fla.

SHIPPED: 7-18-63, from Palisades Park, N.J.

LIBELED: On or about 10-14-63, M. Dist. Fla.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-13-63. Default—destruction.

29188. Sesame seed. (F.D.C. No. 49078. S. No. 39-001 X.)

QUANTITY: 6 100-lb. bags, at Jersey City, N.J., in possession of A. Oliveri & Sons.

SHIPPED: 4-5-63, from New York, N.Y.

LIBELED: 6-21-63, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-9-63. Default—destruction.